S.B. CIVIL WRIT PETITION NO. 1685/1993.

DATE OF ORDER : 03.07.2006.

HON'BLE MR. GOVIND MATHUR, J.

Mr. Mahendra Trivedi for the petitioner.
Mr. B.L. Tiwari, Dy. Government Advocate.

The petitioner retired from the post of Education Extension Officer on 30.7.90. After retirement from the services, The Vikas Adhikari, Panchayat Samiti, Bagidora under an order dated 01.1.93 instructed the petitioner to deposit a sum of Rs.13,395/- and further instructed the Branch Mananger, State Bank of Bikaner and Jaipur, Bagidora, District Banswara to effect recovery of some referred above from the pension of the petitioner.

Being aggrieved by the orders above, the instant petition for writ is preferred.

It is contended by counsel for the petitioner that before making an order for effecting recovery from the petitioner, no notice was given to him. It is also urged that infact the petitioner is not liable for depositing the amount so claim by the Vikas Adhikari, Panchayat Samiti, Bagidora.

From the fact averred in the writ petition and the documents annexed thereto, it appears that Panchayat Samiti, Bagidora claimed the sum of Rs.13,995/- from the petitioner against loss caused to it in expanding money for getting its Jeep MRB-3455 repaired which met to an accident while the petitioner was on tour during the revenue collection campaign.

In reply to the writ petition, it is averred that the instructions impugned were given in pursuant to certain audit objection. It is also averred that the petitioner met with an accident and in the accident aforesaid, the Jeep owned by the Panchayat Samiti, Bagidora was damaged and the Panchayat Samiti spent a sum more than Rs.27,000/- in its repairing, therefore, the petitioner is required to pay whatever loss caused.

Heard learned counsel for the parties.

From the fact available on record, the respondent Panchayat Samiti, Bagidora want to recover the amount from the petitioner, which it spent in repairing of the Jeep,

which met with an accident, while the petitioner was on tour for recovering of the revenue. The petitioner was on his official duty and apparently there was no negligence on his part causing accident. The accident took place due to unforeseen reasons and no liability in this regard could be fixed upon the petitioner who was utilizing the Jeep for official work, as such there is no justification for fixing such liability upon the petitioner.

Accordingly, the petition for writ is allowed. The sum of Rs.13,995/- sought to be recovered from the petitioner under the order dated 1.1.93 is declared as illegal and, therefore, the same is quashed. No order for cost.

(GOVIND MATHUR)J.

Anil/